



09-CV-05135-EXH

NOTICE

Must not be occupied

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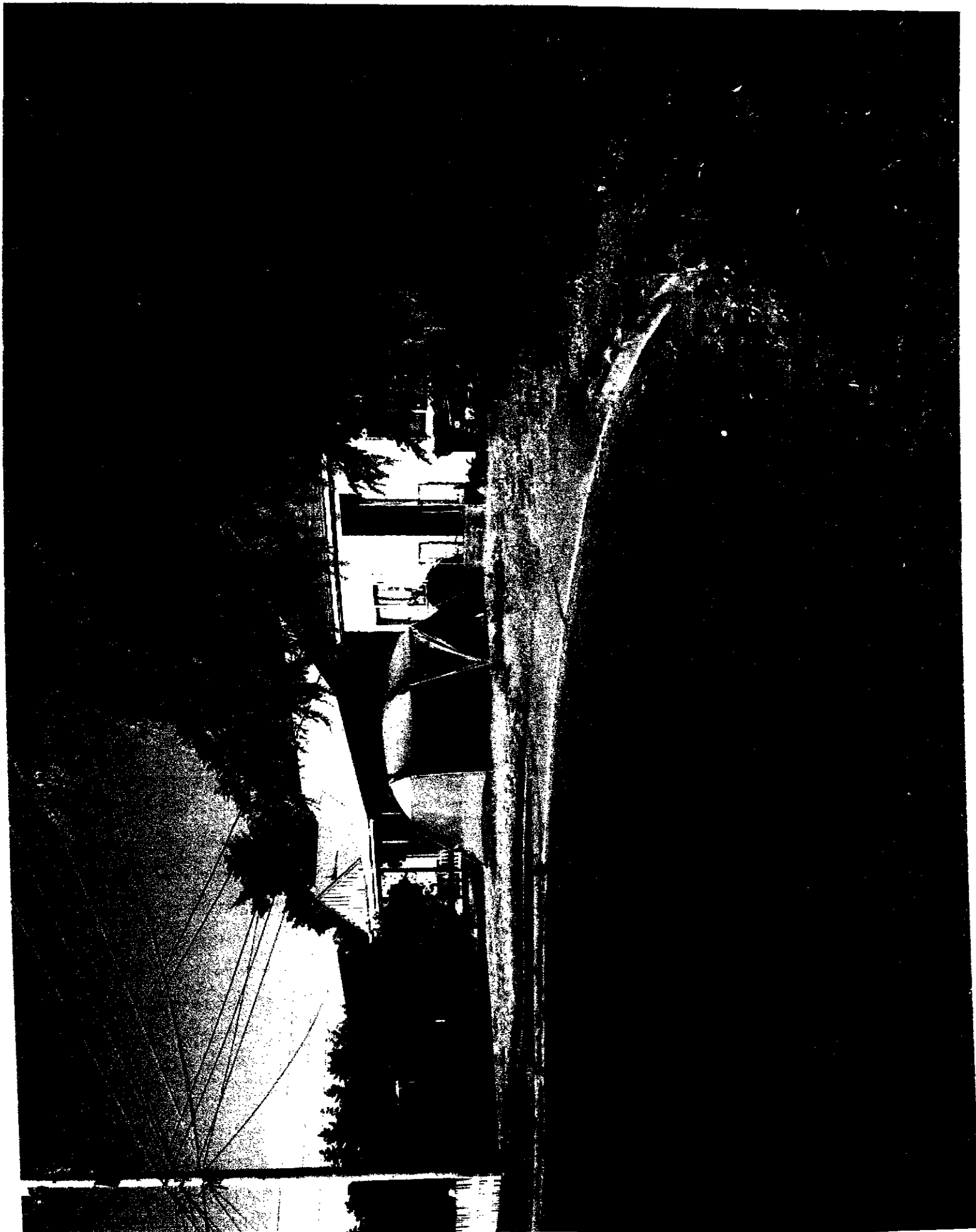
Unit designated and supervised for storage

Unit designated and supervised for storage



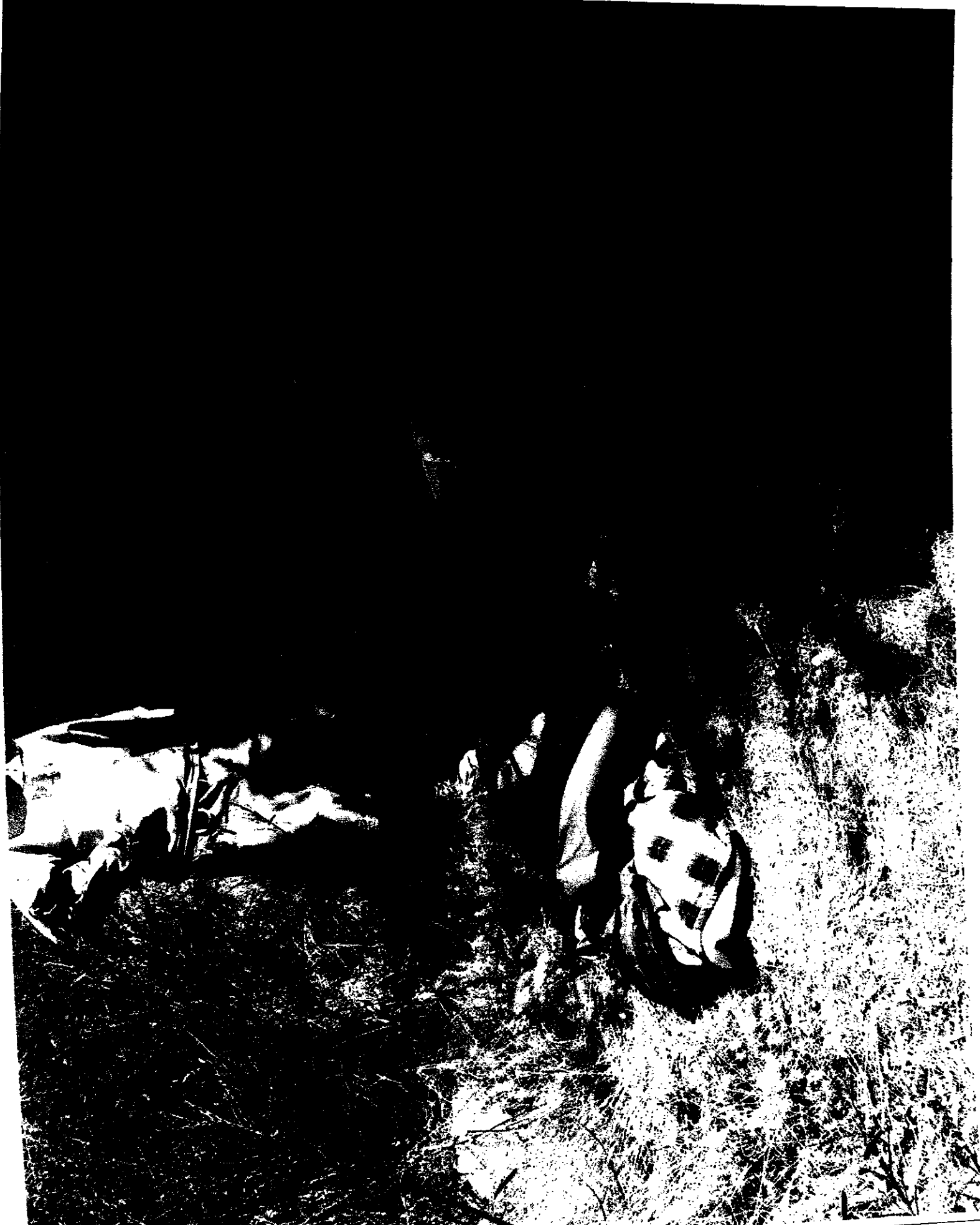




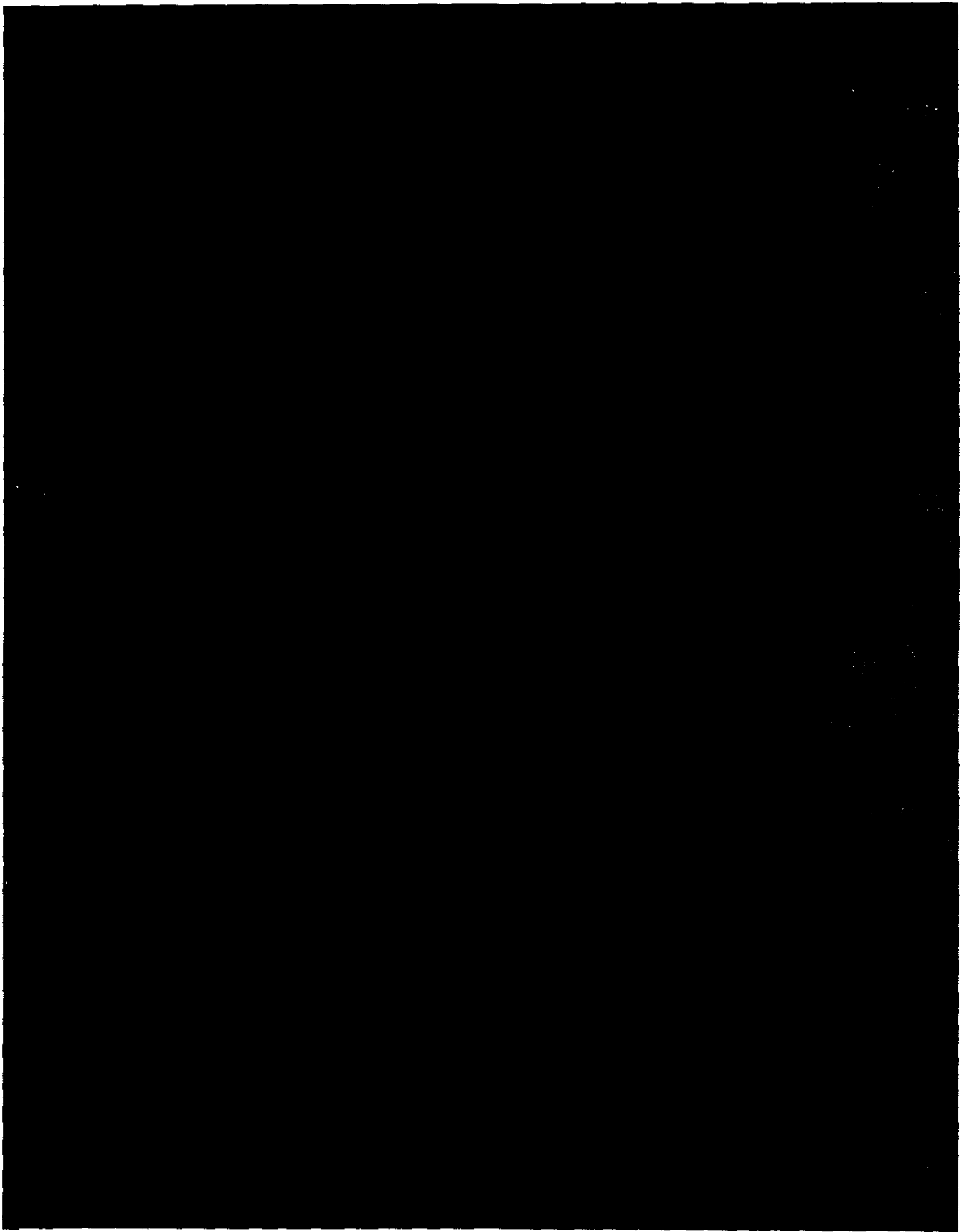














City of Tacoma
Human Rights & Human Services Department

November 7, 2008

To: Tacoma Housing Authority

Re: Julie Schmidt

On July 17, 2008, City of Tacoma posted the property at 3732 South Alaska, Tacoma as uninhabitable due to life safety violations. The authorized rental tenant, Julie Schmidt, and one member of her household, were displaced due to this action. Due to actions of the property owner, Ms. Schmidt is unable to re-inhabit the residence.

Regards,

A handwritten signature in black ink, appearing to read "Lisa Copp", written over the typed name.

Lisa Copp
Neighborhood Crime Prevention Coordinator
City of Tacoma
Human Rights and Human Services Department
747 Market St., Room 836
Tacoma, WA 98402-3779
lcopp@cityoftacoma.org
253-591-5277 Office
253-591-5050 FAX
253/591-5153 TTY

Service Integrity Accountability Respect Stewardship Innovation Teamwork

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Donald Ramsdell
Chief of Police

FROM: Lieutenant Fred Scruggs
Internal Affairs Section

DATE: December 11, 2008

THROUGH: Assistant Chief Richard McCrea
Administrative Services Bureau

SUBJECT: CITY CONDUCT COMPLAINT #08-07-396

Complainant:

Julie Schmidt
3732 South Alaska Street
Tacoma, WA 98418
(253) 472-2965

On July 24, 2008, the complainant, Julie Schmidt, submitted a complaint against a Tacoma Police Officer to the City Manager's Office. The complaint was recorded into the City's Conduct Complaint Management System. The complaint was assigned #08-07-396.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Tacoma Police Department.

Allegation(s): Unbecoming Conduct

Summary

The complainant, Julie Schmidt, contacted the City to complain about the actions of CLO Don Williams. The complainant alleged that Officer Williams came to her house on false pretenses concerning a complaint from CPS. She claimed there was no complaint from CPS. The officer then called Code Enforcement and Tacoma Public Utilities to examine some open wiring. The house was declared unsafe and boarded up. Complainant Schmidt also claimed that she is disabled, and was thrown out on the street with no assistance.

Complaint

Internal Affairs forwarded the complaint to the Bureau of the officer involved. The supervisor conducted an investigation and reported the following:

Complainant Statement

On August 8, 2008, the supervisor contacted complainant, Julie Schmidt, by telephone. The complainant stated on July 17, 2008, Officer Williams came to her home. He claimed to be there to investigate a Child Protective Services' complaint. Officer Williams then contacted Code Enforcement Officer Lisa Melancon and requested she come to the house. Officer Melancon contacted Inspector Ruben Carter from the Tacoma Public Utilities who also responded to the scene. The complainant was told by

Inspector Carter that the electrical issues were serious enough that power would have to be terminated to the house, and that she would no longer be able to occupy the residence until they were resolved. The complainant stated she contacted the homeowner who agreed to fix the issues. Officer Williams then left the residence.

The complainant stated that on July 21, 2008, Officer Williams returned to the residence with a city crew to board up the residence. She, and the rest of the members of the household were removed and the residence was boarded up.

The complainant has two main complaints. The first, that there never was a CPS complaint, and that Officer Williams lied about receiving one to get inside the residence. The second; was that she was given no place to go, and that no account was made for her being disabled.

The complainant stated it was her intention to take legal action against the City. She requested help in gathering documents to support her legal action. The complainant was referred to the Legal Department to obtain that information.

On August 12, 2008, a telephone call was made to the complainant after she had left a telephone message. She again stated that it was her intention to sue the City and Police Department for her two allegations. She requested assistance in gaining CPS records for this process. Complainant Schmidt was advised that she would have to contact the State of Washington for that information.

Investigation

The supervisor requested administrative reports from Officers Williams and Ramirez, and Code Enforcement Officers Melancon and Swick. Child Protective Services' caseworker Maria Garnier and TPU Inspector Carter were also contacted.

Officers Statement

Officer Ramirez stated that he and Officer Wilkerson were contacted by LESA Dispatch (call #08-199-0511) to contact Child Protective Services and caseworker Maria Garnier. CPS Agent Garnier requested that the officers follow-up on a complaint they had received by conducting a welfare check on the children living at 3732 South Alaska Street. Officer Ramirez contacted Officer Williams, who is the area Community Liaison Officer. This is a common occurrence, as CLOs often have information about houses in the community that can be helpful for patrol officers responding to incidents. Officer Williams advised Officers Ramirez and Wilkerson that he would respond to the house and conduct the welfare check.

Officer Williams stated he arrived at the residence and contacted the complainant. He explained the reason for the visit, and she let him inside the residence. While inside, he conducted a safety check on the welfare of the children. During his check, he observed several serious code and electrical issues. They included electrical wires sticking out of several walls, load bearing beams removed, and a two by four, foot hole in the ceiling. He then requested Code Enforcement Officer Melancon from Building and Land Use, and Tacoma Public Utilities' Inspector Ruben Carter to respond.

Officer Williams stated he later received information that the complainant was defying the "No Occupancy" Order and still living inside the residence. He also observed this as he investigated. Standard procedure for the City is to board-up buildings when people refuse to obey the "No Occupancy" Order.

Witness Statements

Inspector Carter found that the issues were serious enough that power to the residence needed to be immediately terminated at the power pole. It is against City Ordinance for anyone to occupy a residence in the City of Tacoma without power. The complainant was advised of this, and she contacted the homeowner. Officer Williams and Code Enforcement Officer Melancon both stated that the complainant stated that the landlord was going to find a place for her to stay. The complainant, again, was advised that the residence could not be occupied without power, and Code Enforcement Officer Melancon posted the residence with a no occupancy sign.

On July 21, 2008, Code Enforcement Officer Swick and Officer Williams contacted the complainant at the residence. They discovered that electrical work was occurring without a permit. All of the occupants were then told that the residence was going to be boarded up, and they had thirty minutes to retrieve their immediate belongings. Also, they were told they could make an appointment with Officer Swick to get the rest of their belongings, as needed. The residence was then boarded up.

Code Enforcement Officer Swick and Officer Williams both stated they were never advised that the complainant had any disabilities. Officer Swick gave her a standard City form, which detailed how to get emergency housing and assistance. He stated that complainant told him that the property owner was going to house her. She requested no assistance from the City at that time. Officer Swick also stated he had subsequently let the complainant back into the residence three times to get belongings.

Conclusion

Child Protective Services' Agent Garnier and Officer Ramirez confirmed that Child Protective Services had received an outside complaint on the welfare of the children at 3732 South Alaska Street. Officer Williams did not generate the complaint.

Officer Williams and Code Enforcement Officers Swick and Melancon all stated that complainant Schmidt did not appear to have any easily identifiable disability. All three stated the complainant never advised them of any disability or special need.

Officer Swick provided complainant the City's emergency housing information. Complainant stated, during the first and second contacts, that she did not need assistance and that her homeowner was going to take care of her housing needs.

Findings

The allegation of Unbecoming Conduct, MRP 12.01.003 – **EXONERATED.**

FS:jg

To create a safe and secure environment in which to live, work, and visit by working together with the community, enforcing the law in a fair and impartial manner, preserving the peace and order in our neighborhoods, and safeguarding our constitutional guarantees.



City of Tacoma
City Manager

February 2, 2009

Julie Schmidt
3732 South Alaska Street
Tacoma, WA 98418

SUBJECT: CITY CONDUCT COMPLAINT #08-07-396

Dear Ms. Schmidt,

On July 24, 2008, my office received information about your concerns with the conduct of an officer from the City of Tacoma Police Department. Through the City's Conduct Complaint Management System, the information regarding your complaint was assigned Complaint #08-07-396.

Subsequent to its receipt, your complaint was referred to the Internal Affairs Section of the Police Department. Your complaint was investigated by the supervising Officer and the results were reported to Internal Affairs. The results of the investigation were then reviewed by the Lieutenant of Internal Affairs and the Assistant Chief of Police, Investigations Bureau. Subsequent to this review, the Chief of Police prepared a draft of the attached memorandum. This memorandum and the Internal Affairs findings are jointly reviewed by the Administrator of the Conduct Complaint Management System, the Lieutenant of Internal Affairs, the Chief of Police, and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police. In my review I asked the Police Department to provide additional clarity regarding your request for providing legal documentation. Upon review of this complaint I concur with the finding of **Exonerated**.

A summary of the findings of Internal Affairs outlined in the attached memorandum will be listed on the Conduct Complaint Management System at www.cityoftacoma.org/conductcomplaints.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5840.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Anderson".

Eric A. Anderson
City Manager

cc: Complaint File
Internal Affairs, Tacoma Police Department



City of Tacoma - Police Department

Memorandum

TO: Eric Anderson
City Manager

FROM: Donald L. Ramsdell
Chief of Police

DATE: December 15, 2008

SUBJECT: CITY CONDUCT COMPLAINT #08-07-396

On July 24, 2008, Julie Schmidt submitted a complaint against a Tacoma Police Officer to the City Manager's Office. The complaint was recorded into the City's Conduct Complaint Management System. The complaint was assigned #08-07-396 and was referred to the Internal Affairs Section of the Tacoma Police Department.

ALLEGATION(S):

Complainant Julie Schmidt alleged that Officer Williams came to her house on false pretenses concerning a complaint from CPS. She claimed there was no complaint from CPS. The officer then called Code Enforcement and Tacoma Public Utilities to examine some open wiring. The house was declared unsafe and boarded up. Complainant Schmidt also claimed that she is disabled, and was thrown out on the street with no assistance.

Internal Affairs forwarded the complaint to the Bureau of the officer involved. The supervisor conducted an investigation and contacted the complainant by telephone on August 8, 2008. The complainant stated on July 17, 2008, Officer Williams came to her home to investigate a Child Protective Services' complaint and then contacted Code Enforcement and Tacoma Public Utilities who had representatives respond to the scene and they advised that the electrical issues were serious enough that power would have to be terminated to the house, and that she would no longer be able to occupy the residence until they were resolved. The complainant stated she contacted the homeowner who agreed to fix the issues.

The complainant stated that on July 21, 2008, Officer Williams returned to the residence with a city crew to board up the residence. She, and the rest of the members of the household were removed and the residence was boarded up.

The complainant has two main complaints. The first, that there never was a CPS complaint, and that Officer Williams lied about receiving one to get inside the residence. The second; was that she was given no place to go, and that no account was made for her being disabled. The supervisor requested administrative reports from Officers Williams and Ramirez, and Code Enforcement Officers Melancon and Swick. Child Protective Services' caseworker Maria Garnier and TPU Inspector Carter were also contacted.

FINDINGS

I have reviewed the attached memorandum, including detailed information of the aforementioned complaint, and I concur with the finding of Exonerated.

The mission of the Tacoma Police Department is to create a safe and secure environment in which to live, work, and visit by working together with the community, enforcing the law in a fair and impartial manner, preserving the peace and order in our neighborhoods, and safeguarding our constitutional guarantees.

U.S. Department of Justice

Washington, D.C. 20530

Official Business

Penalty for Private Use \$300

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300



BUSINESS REPLY LABEL

FIRST-CLASS MAIL PERMIT NO. 01806 WASHINGTON DC

POSTAGE WILL BE PAID BY U.S. DEPARTMENT OF JUSTICE

U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION
950 PENNSYLVANIA AVE., N.W.
WASHINGTON, DC 20530

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



U.S. Department of Justice
Civil Rights Division
Coordination and Review Section

This pertains to
3732 S. Alaska St
Tacoma WA
98418



COMPLAINANT CONSENT/RELEASE FORM

Your Name:

Julie Schmidt / Leon Gerhard

Address:

6025 Wright St #113

Tacoma WA 98418

Complaint number(s): (if known) _____

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice of Investigatory Uses of Personal Information by the Department of Justice (DOJ). As a complainant, I understand that in the course of an investigation it may become necessary for DOJ to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of DOJ to honor requests under the Freedom of Information Act. I understand that it may be necessary for DOJ to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by DOJ's regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by DOJ.

CONSENT/RELEASE



CONSENT - I have read and understand the above information and authorize DOJ to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the Department of Justice (DOJ) to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, personal records and medical records. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.



CONSENT DENIED - I have read and understand the above information and do not want DOJ to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

SIGNATURE

Julie Schmidt

DATE

1-5-08

*We do not want Officer Williams,
or officer Luke knowing are whereabouts.*

4A.* Non-employment: Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of the department or agency in its treatment of you or others? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken.

____ Race/Ethnicity: _____

____ National origin: _____

____ Sex: _____

____ Religion: _____

____ Age: _____

☒ Disability: Routinely was bringing up our disabilities and individuals that we knew.

4B.* Employment: Does your complaint concern discrimination in employment by the department or agency? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken.

____ Race/Ethnicity: _____

____ National origin: _____

____ Sex: _____

____ Religion: _____

____ Age: _____

____ Disability: _____

5. What is the most convenient time and place for us to contact you about this complaint?

Anytime - Between 9am & 5pm

6. If we will not be able to reach you directly, you may wish to give us the name and phone number of a person who can tell us how to reach you and/or provide information about your complaint:

Name: Leon Gerhard
Telephone No: (253) 534-6901

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section



COMPLAINT FORM

The purpose of this form is to assist you in filing a complaint with the Coordination and Review Section. You are not required to use this form; a letter with the same information is sufficient. However, the information requested in the items marked with a star (*) must be provided, whether or not the form is used.

1.* State your name and address.

Name: Julie Schmidt, Leon Gerhard

Address: 102 S Wright St #113

Tacoma WA Zip 98418

Telephone No: Home: (253) 273-5706 Work: ()

2.* Person(s) discriminated against, if different from above:

Name: Leon Gerhard

Address: 102 S Wright St #113 Tacoma WA 98418

Telephone: Home: (253) 273-5706 Work: ()

Please explain your relationship to this person(s).

Spouse

3.* Agency and department or program that discriminated:

Name: Tacoma Police Department

Any individual if known: Don Williams

Address: 3701 S Pine St

Tacoma WA Zip 98418

Telephone No: (253) 394-7800

OMB No. 1190-0008
Expires: 07/31/2010

7. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name: _____
Address: _____
Zip: _____
Telephone No: (____) _____

8.* To your best recollection, on what date(s) did the alleged discrimination take place?

Earliest date of discrimination:

Most recent date of discrimination:

~~October~~ June 1, 08 continuing ^{maybe a few days before}
would have been two weeks prior to 4/11/08

9. Complaints of discrimination must generally be filed within 180 days of the alleged discrimination. If the most recent date of discrimination, listed above, is more than 180 days ago, you may request a waiver of the filing requirement. If you wish to request a waiver, please explain why you waited until now to file your complaint.

In short I've been trying since this started to get these issues looked at, contacted his superior H. Stinger, contacted a internal agency, even contacted the landlord tenant union in Seattle to make sure I knew my rights.

10.* Please explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. (Please use additional sheets if necessary and attach a copy of written materials pertaining to your case.)

Please see attached

12. Please list below any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to support or clarify your complaint.

Name	Address	Area Code/Telephone
Emily Padderson	landlord tenant	Seattle
Emily Padderson	Metropolitan development Council	(weatherization program)

13. Do you have any other information that you think is relevant to our investigation of your allegations?

The reason I believe the harassment, discrimination occurred is because there is a believe Officer Williams had a personal vendetta against us and the house we lived in. We had a distanced relative of Leon Bernards living there with the owners permission and her people became a problem. They were evicted.

14. What remedy are you seeking for the alleged discrimination?

15. Have you (or the person discriminated against) filed the same or any other complaints with other offices of the Department of Justice (including the Office of Justice Programs, Federal Bureau of Investigation, etc.)?

Yes ☐ No ☒

If so, do you remember the Complaint Number?

Location of Agency/Court: _____

Name of Investigator: _____

Status of Case: _____

Comments:

18. While it is not necessary for you to know about aid that the agency or institution you are filing against receives from the Federal government, if you know of any Department of Justice funds or assistance received by the program or department in which the alleged discrimination occurred, please provide that information below.

City of Tacoma's Relocation Program that the federal government helps pay there issues there too. Because we signed papers in July between then and now helped with a few days in a motel and

19.* We cannot accept a complaint if it has not been signed. Please sign and date this complaint form below.

Julie Schmidt 1-5-08
(Signature) (Date)

Please feel free to add additional sheets to explain the present situation to us.

continued here.
they signed a promissary note "1/8/08
that they would help with 230.00
of the 900.00 they owed still, and
because the agency ^{Page 7 of 8} they had representing
them did not do there job right we would
the hands

We will need your consent to disclose your name, if necessary, in the course of any investigation. Therefore, we will need a signed Consent Form from you. (If you are filing this complaint for a person whom you allege has been discriminated against, we will in most instances need a signed Consent Form from that person.) See the "Notice about Investigatory Uses of Personal Information" for information about the Consent Form. Please mail the completed, signed Discrimination Complaint Form and the signed Consent Form (please make one copy of each for your records) to:

United States Department of Justice
Civil Rights Division
Coordination and Review Section - NWB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Toll-free Voice and TDD: (888) 848-5306
Voice: (202) 307-2222
TDD: (202) 307-2678

20. How did you learn that you could file this complaint?

Persistent Annoying calls to different
people & Agencies, and my own investigation
on the internet.

21. If your complaint has already been assigned a DOJ complaint number, please list it here: _____

If a currently valid OMB control number is not displayed on the first page, you are not required to fill out this complaint form unless the Department of Justice has begun an administrative investigation into this complaint.

SOCIAL SECURITY ADMINISTRATION

Date: February 6, 2009
Claim Number: 537-60-7924C2

JULIE MARIE SCHMIDT
PO BOX 1801
TACOMA WA 98401-1801

You asked us for information from your record. The information that you requested is shown below. If you want anyone else to have this information, you may send them this letter.

Information About Current Social Security Benefits

Beginning December 2008, the full monthly
Social Security benefit before any deductions is.....\$ 485.70

We deduct \$0.00 for medical insurance premiums each month.

The regular monthly Social Security payment is.....\$ 485.00
(We must round down to the whole dollar.)

Social Security benefits for a given month are paid the following month. (For example, Social Security benefits for March are paid in April.)

Your Social Security benefits are paid on or about the third of each month.

Other Important Information

COMPLETED BY DET TSC 719/153.

SOCIAL SECURITY ADMINISTRATION

Date: February 6, 2009
Claim Number: 535-78-5474A
535-78-5474DI

JULIE M SCHMIDT
PO BOX 1801
TACOMA WA 98401-1801

You asked us for information from your record. The information that you requested is shown below. If you want anyone else to have this information, you may send them this letter.

Information About Supplemental Security Income Payments

Beginning January 2009, the current
Supplemental Security Income payment is.....\$ 209.00

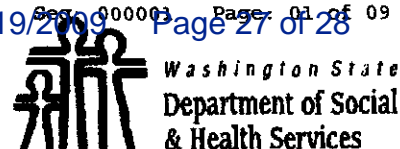
This payment amount may change from month to month if income or living situation changes.

Supplemental Security Income Payments are paid the month they are due. (For example, Supplemental Security Income Payments for March are paid in March.)

Other Important Information

COMPLETED BY DET TSC 719/153.

PIERCE SOUTH CSO
PO BOX 1597
TACOMA WA 98401-1597



Phone # 253-671-7900
TTY/TDD # 253-471-4525
Toll Free #

11/18/08

Client ID # 50460324

LEON E GERHARD
2304 S JEFFERSON AVE
TACOMA WA 98402-1405

Dear LEON E GERHARD

You will receive the following benefits:

	Begin Date	End Date
Cash - General Assistance (GA, GI, GW)	11/12/08	04/30/09
	First Issuance	Second Issuance
Cash Assistance	\$214.00	\$339.00
		Future Issuances
		\$339.00

Your cash benefit will be available on day 1 of each month.

We will add your benefits to an Electronic Benefits Transfer (EBT) account.

We looked at all DSHS medical programs.

The following people will receive medical under the program listed below.

	Assistance Unit #	Begin Date	End Date
Medical Care Services (General Assistance) LEON E GERHARD	12985850	11/12/08	04/30/09

You are receiving GA because you are not able to work. Your social worker will review your incapacity in 10/09 to see if your cash and medical will continue.

We will send you a letter if there are any changes to the benefits listed above.

If you disagree with any of our decisions, you may ask to have the case reviewed. You can also ask for an administrative hearing. Administrative hearing rights are included in this letter.

Call Center - MCJH
253-476-7373

628766-34



200610171043 PG
10/17/2006 4:06pm \$32.00
PIERCE COUNTY, WASHINGTON

Filed for Record at Request of:
Gerald F. Robison
648 S. 152nd St., #7
Burien, Wa 98148

Statutory Warranty Deed

Grantor: Elaine Cobb, a single person

Grantee: Stefanie Karl, a single person

Abbreviated Legal Description: Lot 15-16, Blk. 8738, Tacoma Land Co.'s 6th Add. to Tacoma

Assessor's Property Tax Number: 893501-717-0

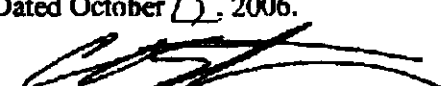
THE GRANTOR Elaine Cobb, a single person, for and in consideration of Ten Dollars and other valuable consideration in hand paid, conveys and warrants to Stefanie Karl, a single person, the following described real estate, situated in the County of King, State of Washington:

Pierce

Lots 15 and 16, inclusive, in Block 3738, The Tacoma Land Company's Sixth Addition to Tacoma, W.T., according to the plat thereof filed for record March 2, 1989, in Pierce County, Washington;

TOGETHER WITH a perpetual easement for maintenance purposes over and across the south 5 feet of lot 14, Block 3738, granted in instrument recorded under Recording number 2272778

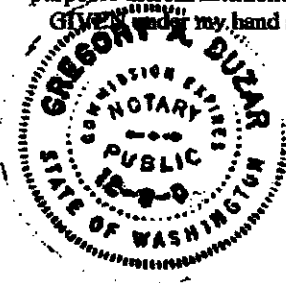
Dated October 13, 2006.



Elaine Cobb, by Carl O. Stevenson, agent for
ORM Service Inc., her Attorney in fact per
Special Power of Attorney dated 07/10/2006

STATE OF WASHINGTON
County of King

On this day personally appeared before me Carl O. Stevenson, attorney in fact for Elaine Cobb, per Special Power of Attorney dated 07/10/2006, to me known to be the individual described in and who executed the within foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER my hand and official seal October 13, 2006.




Notary Public in and for the State of Washington
residing at Fox ISWMP
My commission expires 12/09/09

10/17/2006 3:56pm EXCHW
EXLISE COLLECTED: \$3.15.00 PRO. FEE: \$8.00
PIERCE COUNTY, WA STATE FEE: \$5.00

4143886 1 PG

For reference only, not for re-sale.